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Counsel for Respondent-Appellant

IN THE UNITED STATES COURT OF APPEALS  
 FOR THE NINTH CIRCUIT

WALTER BETSCHART, et al,

Petitioners - Appellees,

v.

STATE OF OREGON,

Respondent - Appellant,

WASHINGTON COUNTY CIRCUIT  
 COURT JUDGES, et al,

Respondents.

U.S.C.A. No. 23-2270

MOTION TO APPEAR REMOTELY FOR  
 ORAL ARGUMENT

WALTER BETSCHART, et al,

Petitioners-Cross-Appellants,

v.

STATE OF OREGON and  
 WASHINGTON COUNTY CIRCUIT  
 COURT JUDGES,

Respondents-Cross-Appellees.

U.S.C.A. No. 23-3560

The undersigned counsel moves for permission to appear remotely by  
 video at the upcoming oral argument in this case. Oral argument is scheduled

for February 6, 2024 at 9:00 AM in Pasadena. I am making this request because

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I am scheduled to have surgery in January, and that surgery will make it very difficult to travel.

Opposing counsel does not object to this request for permission to appear remotely by video.

This motion is supported by the attached declaration of Michael A. Casper.

Respectfully submitted,

ELLEN F. ROSENBLUM #753239  
Attorney General  
BENJAMIN GUTMAN #160599  
Solicitor General

/s/ Michael A. Casper

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MICHAEL A. CASPER #062000  
Senior Assistant Attorney General  
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Attorneys for Respondent-Appellant  
State of Oregon

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STATE OF OREGON,

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WASHINGTON COUNTY CIRCUIT  
 COURT JUDGES, et al,

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U.S.C.A. No. 23-2270

DECLARATION OF MICHAEL A.  
 CASPER

WALTER BETSCHART, et al,

Petitioners-Cross-Appellants,

v.

STATE OF OREGON and  
 WASHINGTON COUNTY CIRCUIT  
 COURT JUDGES,

Respondents-Cross-Appellees.

U.S.C.A. No. 23-3560

1. I am an assistant attorney general for the State of Oregon and one of the attorneys representing the Respondent-Appellant/Cross-Appellee State of Oregon in this litigation.

Page 1 - DECLARATION OF MICHAEL A. CASPER  
 MC2:kw5\937371355

2. Oral argument in this case is scheduled for February 6, 2024 at 9:00 AM in Pasadena, California.
3. I am scheduled to have foot surgery on January 16, 2024.
4. After surgery, I will not be able to travel by airplane for several weeks because of the risk of blood clots. In addition, my mobility will be limited.
5. I filed this request within 24 hours of learning that I would be having surgery in January.
6. I have contacted Julie Vandiver, attorney for Petitioners-Appellees/Cross-Appellants. She has no objection to this motion.

/s/ Michael A. Casper

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MICHAEL A. CASPER #062000  
Senior Assistant Attorney General  
michael.casper@doj.state.or.us

Attorney for Respondent-Appellant  
State of Oregon

## CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2023, I directed the Motion to Appear Remotely for Oral Argument to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate ACMS system.

I certify that all participants in the case are registered ACMS users and that service will be accomplished by the appellate ACMS system.

/s/ Michael A. Casper

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Attorney for Respondent-Appellant  
State of Oregon